

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

Defendants.

Civil Action No. 2:23-CV-00379-JRG-RSP

HEADWATER RESEARCH LLC,

Plaintiff,

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

Defendants.

Civil Action No. 2:23-CV-00377-JRG-RSP

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER AND ALIGN
CLAIM CONSTRUCTION PROCEEDINGS WITH VERIZON -352 CASE**

Plaintiff Headwater Research LLC (“Headwater”) and Defendants T-Mobile USA, Inc. and Sprint LLC (“T-Mobile”) jointly file this Joint Motion to Amend Docket Control Order and Align Claim Construction Proceedings with Verizon -352 Case as follows:

Under the operative Docket Control Order (Dkt. 42), the current dates for claim construction briefing and the claim construction hearing are:

- September 20, 2024 – Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
- October 4, 2024 – Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
- October 11, 2024 – *Comply with P.R. 4-5(c) (Reply Claim Construction Brief)

- October 18, 2024 – *Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
- November 1, 2024 – *Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne.

The parties jointly request a brief extension of each of the above deadlines to align them with the claim construction deadlines in *Headwater Research LLC v. Celco Partnership d/b/a Verizon Wireless et al.*, 2-23-cv-00352-JRG-RSP (E.D. Tex.) (“Verizon -352 Case”). In that case, Headwater asserts the same patents and claims. Furthermore, in this case and the Verizon -352 Case, the parties (Plaintiff Headwater on one side and Defendants T-Mobile and Verizon on the other side) have identified the same terms for construction and proposed the same constructions for each term. Therefore, all parties believe it is appropriate to consolidate claim construction briefing and conduct one claim construction hearing for this case and the Verizon -352 Case. The adjustments requested herein are not for purposes of delay but instead to preserve the Court and parties’ resources and avoid duplicative briefing and argument on identical issues.

Accordingly, the parties respectfully request that the Court grant this motion and extend the deadlines for the parties to comply with P.R. 4-5(a)–(d) and the claim construction hearing as follows:

- October 8, 2024 – Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
- October 22, 2024 – Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
- October 29, 2024 – *Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
- November 5, 2024 – *Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
- November 19, 2024 – *Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne.

Dated: September 17, 2024

/s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Email: mfenster@raklaw.com
Reza Mirzaie
CA State Bar No. 246953
Email: rmirzaie@raklaw.com
Brian Ledahl
CA State Bar No. 186579
Email: bledahl@raklaw.com
Ben Wang
CA State Bar No. 228712
Email: bwang@raklaw.com
Adam Hoffman
CA State Bar No. 218740
Email: ahoffman@raklaw.com
Dale Chang
CA State Bar No. 248657
Email: dchang@raklaw.com
Paul Kroeger
CA State Bar No. 229074
Email: pkroeger@raklaw.com
Neil A. Rubin
CA State Bar No. 250761
Email: nrubin@raklaw.com
Kristopher Davis
CA State Bar No. 329627
Email: kdavis@raklaw.com
James S. Tsuei
CA State Bar No. 285530
Email: jtsuei@raklaw.com
Philip Wang
CA State Bar No. 262239
Email: pwang@raklaw.com
Amy Hayden
CA State Bar No. 287026
Email: ahayden@raklaw.com
Jason M. Wietholter
CA State Bar No. 337139
Email: jwietholter@raklaw.com
Qi (Peter) Tong
TX State Bar No. 24119042
Email: ptong@raklaw.com

/s/ Katherine Q. Dominguez

Katherine Q. Dominguez (Lead Attorney)
kdominguez@gibsondunn.com
Josh A. Krevitt
jkrevitt@gibsondunn.com
Brian Rosenthal
brosenthal@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-4015

Robert Vincent
rvincent@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, Texas 75201-2923
Telephone: (214) 698-3100
Facsimile: (214) 571-2900

Andrew Robb
arobb@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
310 University Avenue
Palo Alto, CA 94301
Telephone: (650) 849-5300

Melissa R. Smith
melissa@gillamsmithlaw.com
GILLIAM & SMITH, LLP
303 South Washington Avenue
Marshall, TX 75670
Telephone: 903-934-8450
Facsimile: 903-934-9257

Attorneys for Defendants

RUSS AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474

Andrea L. Fair
WARD, SMITH & HILL, PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@wsfirm.com

*Attorneys for Plaintiff
Headwater Research LLC*

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on September 16, 2024, counsel for the parties conferred to discuss the substance of this Motion pursuant to Local Rule CV-7(h). Counsel for the parties agreed on the substance of this Motion and further agreed to jointly file this Motion.

/s/ Melissa Smith
Melissa Smith

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 17th day of September 2024.

/s/ Melissa Smith
Melissa Smith